

Serial No. 10/014,537

Atty Dkt No. 705427US2

REMARKS:

Claims 22-38 remain pending in this application. By this paper, Applicant has cancelled previously nonelected claims 1-20, as well as claims 21 and 39. Claim 28 has been rewritten into independent form, and claims 22, 27, and 31-33 have been amended to be dependent from claim 28. Claims 28 and 35 have been also been amended to further clarify the claimed invention.

In the office action, claims 21-28, 30 and 32-39 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Vogel et al. (US 2002/0055006, hereinafter "Vogel"); and claims 29 and 31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Vogel in view of Roys et al. (US 56,284,183, hereinafter "Roys"). Both grounds of rejection are respectfully traversed, and reconsideration is hereby requested in view of the following comments.

Initially, Applicant notes that cancellation of claim 21 is not to be construed as a concession of the Examiner's position, and Applicant respectfully reserves the right to continue to pursue claim 21 in its original scope in a continuation application. Rather, Applicant has rewritten claim 28 into independent form, and similarly amended claim 35 to include the limitations of claim 39 in an attempt to expedite prosecution of the present application.

With respect to claims 28 and 35 as amended herein, contrary to the Examiner's assertion that Vogel anticipates claims 28 and 39, Applicant specifically points out that no where does Vogel provide any suggestion for concentrating reflective flakes toward an upper surface of the pigmented, extruded layer, let alone doing so by heating the upper surface of the extruded layer as required by claims 28 and 35. In fact, the only use of heat contemplated by Vogel is in connection with creating the melt in the extruding process, or back filling during the shaping process employed after co-extrusion. See for example paragraphs [0016], [0037], [0075], and [0128] in Vogel. Likewise, Roys provides absolutely no suggestion for heating an upper surface of a pigmented, extruded layer so as to concentrate reflective flakes therein. In contrast, Applicant's claimed invention expressly requires such heating of the upper surface of the pigmented layer ("the first layer") after extrusion of the layer but before co-extrusion with the other layer(s) so as concentrate the reflective flakes toward the upper surface thereof.

Accordingly, since both references are completely silent with respect to such an arrangement, Applicant contends that claims 28 and 35 are patentably distinguishable over Vogel or Roys whether considered alone or in combination.

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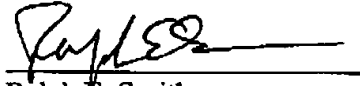
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With respect to dependent claims 22-27, 29-34, and 36-38, without conceding the Examiner's position, Applicant contends these claims are allowable as a result of their dependency from either claim 28 or claim 35.

From the foregoing, Applicant submits that the remaining claims in this patent application are now in condition for allowance. Accordingly, reconsideration of the claims and passage of the application to issue are courteously requested. If a telephone conference would expedite allowance or resolve any further questions, such a conference with the undersigned is invited at the convenience of the Examiner.

Respectfully submitted,

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